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2  
3 **UNITED STATES DISTRICT COURT**  
4 **WESTERN DISTRICT OF WASHINGTON**  
5 **AT SEATTLE**

6 BEVERLY ANETTE RAINES, Principal, )  
7 Brighton School, **RONALD HOWARD**, )  
8 Assistant Principal Aki Kurose, **SANDRA** )  
9 **BOSELY**, Former Interim Principal at )  
10 Dunlap, **CHALICE STALLWORTH**, )  
11 Elementary School Teacher, RONALD )  
12 **PLEASANT**, Teacher at Cleveland )  
13 **MARK DELLA**, Former Deputy )  
14 Security Mrg. **DEMETRICE THOMAS-** )  
15 **DANZY**, Correctional Education )  
16 Associate, at Interagency Academy, )  
17 **AUDREY WEAVER**, Security Specialist, )  
18 Security Specialist, Chief Sealh, **JACQUE** )  
19 **JOHNSON**, Security Specialist, Ballard )  
20 & **MARCUS PERKINS**, Recently )  
21 Fired Custodian, )  
22 )  
23 Plaintiffs, )  
24 )  
25 vs. )  
26 )  
SEATTLE SCHOOL DISTRICT )  
NO. 1, a municipal corporation, )  
Defendant. )

NO. 2:09-cv-00203MAT

COMPLAINT FOR DAMAGES

27  
28  
29 **I. INTRODUCTION**

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32 1. In 2004, the Seattle School Board passed a resolution. Resolution No. 2004-7,  
33 provided, in part, that “the 50-year anniversary of *Brown vs. Board of Education*, the  
34 landmark United States Supreme Court ruling that racial segregation in public schools is  
35

36 COMPLAINT FOR DAMAGES - 1

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1 unconstitutional; and...”despite five decades of progress, today there remain stark differences  
 2 in academic performance between white students and students of color and marked  
 3 differences in the quality of programs throughout our school district...”.

4 2. If children of color have not prospered in a governmental system, called Seattle Public  
 5 Schools, then one can hardly expect that attitudes will automatically change when those very  
 6 children become adults. Many esteemed writers like Connel West and Randall Kennedy have  
 7 wandered in the murky waters of race relations but not without costs. Mr. West is strident  
 8 unyielding in his very point when he wrote in his preface, “Black people in the United States  
 9 differ from all other modern people owing to the unprecedented levels of unregulated and  
 10 unrestrained violence directed at them. No other people have been taught systematically to  
 11 hate themselves—psychic violence – reinforced by the powers of the state and civic coercion  
 12 – physical violence –for the primary purpose of controlling their minds directed at them ...”  
 13 “The basic aim of a democratic regime is to curb the use of arbitrary powers – especially of  
 14 the government and economic institutions – against citizens”. Cornell West, *Race Matters*, at  
 15 XIV – XV, (Vintage Books: A Division of Random House, Inc. 2001).<sup>1</sup>

17 3. On the other hand, Randall Kennedy has provoked fierce condescension amongst the  
 18 black intelligentsia for his beliefs. Mr. Kennedy has been called a “sellout” by so many other  
 19 blacks, that he wrote a book wondering out loud whether there can be a common agreement  
 20 about how to define a “sellout”. Randall Kennedy, *Sellout: The Politics of Racial Betrayal*,  
 21 (Pantheon Books: A Division of Random House, Inc. 2008). Mr. Kennedy whose father was  
 22

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24 1. In all fairness to Mr. West he acknowledged “Racial progress is undeniable in American”. ...  
 25 “Yet the legacy of white supremacy lingers in the face of the very denials of its realities”.

26 2. Randall Kennedy is the author of NIGGER: THE STRANGE CAREER OF A TROUBLESOME WORD.

1 a judge wrote in defense of Justice Clarence Thomas and argued that some of Mr. Thomas'  
2 arguments were well thought legal analysis of the Fourteenth Amendment. Justice Thomas  
3 wrote, "As far as the constitution is concerned it is irrelevant whether a government  
4 classifications are draw by those who wish oppress a race or by those who a sincere desire to  
5 help those thought to be disadvantaged.

6 4. Both of these Harvard Professors make good points, but Justice Thomas' legal  
7 analysis is absolutely correct. And Mr. West's social, emotional and political observations  
8 are passionate and articulated well. Even given Justice Thomas' legally correct and  
9 conservative viewpoint, he would agree that Seattle School District has willfully and  
10 intentionally waded into Mr. West's paradigm regarding governmental discrimination and its  
11 attendant 'psychic violence'.  
12

## 13 II. JURISDICTION AND VENUE

14 5. This is an action under 42 U.S.C. §§1983, 42 U.S.C. § 1981, seeking damages as well  
15 as the award of counsel fees, for the deprivation, under color of state law, of rights guaranteed  
16 by the United States Constitution and the Fourteenth Amendments to the United States  
17 Constitution.  
18

19 6. This also is an action under Americans with Disabilities Act of 1990  
20 42 U.S.C. §§ 12101 et seq, Section 504 of the Rehabilitation Act of 1973, as amended  
21 29 U.S.C. § 794; ADEA Violations 29 U.S.C. § 623(A)(1).

22 7. The Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and  
23 1343(a)(3), §1367(a).  
24  
25

1 8. Venue is proper in this District pursuant to 28 U.S.C. §1391(b), because all of the  
2 Defendants reside within this judicial district and all of the claims asserted by Plaintiffs arose  
3 within this District.

### 4 **III. THE PARTIES**

5 9. **Principal Beverly Raines:** Ms. Raines is currently the principal at Brighton  
6 Elementary School. She is African American, very attractive, immaculate, well groomed, and  
7 she also has a smile for everyone and is loved by her school community and her peers. Ms.  
8 Raines is only sixty-two years old but has the youth energy and passion for teaching children.  
9 “I still love what I am doing”. “My favorite activity is to sit on the floor with all the data  
10 from each student to design an educational program that is specialized for that particular  
11 student. Former Superintendent John Stanford once said, “Children cannot learn from  
12 someone who does not love them”. Ms. Raines loves all kids; it’s a passion not a profession.  
13 Ms. Raines considers Brighton Elementary School “The Bridge to Excellence”. Ms. Raines’  
14 vision is “Brighton is a school where all children are given the opportunity to receive a sound  
15 academic, social, and cultural education”.

16 10. For several years Principal Raines has collaborated her staff hosting a multicultural  
17 event that has included the Brighton School Community. Brighton has a multitude of  
18 languages and ethnicities which are all included in the hosted multicultural event.  
19

20 11. Principal Raines is quite proud of her emphasis on professional development. She  
21 understands that professional development is one of her strengths that serve the Brighton  
22 School Community well. She has over the years had numerous facilitators train her staff with  
23 staff at Harvard University. In Houston Texas, Principal Raines visited an extremely high  
24

1 poverty school which was 100% American Black children. These students were excelling  
2 academically. Currently, her staff has received intensive training in reading throughout her  
3 tenure.

4 12. Principal Raines has identified math as her next focus. She provides an in-service  
5 opportunity for teachers 2 to 3 times per month, known as Professional Learning Committees  
6 patterned after the Rick DeFore models.

7 13. Principal Raines has served for several years on the PASS Board (Principal's  
8 Association of Seattle Public Schools, she is a SAESP Board Member, Seattle Alliance  
9 Committee, Elementary Principals Association of Washington.

10 14. Principal Raines seeks to gain new information and improve her skills by attending  
11 trainings/workshops on her own time. As a school leader, Principal Raines seeks to work  
12 with staff open and honestly, problem solving, developing and maintaining a school  
13 environment that strives to give students an opportunity to be successful. Each year the staff  
14 at Brighton attends a two day retreat and reviews student data, training on academic areas  
15 such as math and writing. The retreat atmosphere allows staff to bond and build trust.

16 15. This year district provided WASL training for students in the fourth grade. Principal  
17 Raines expanded this opportunity by providing extra support for approximately 5 students in  
18 grades 3-5.

19 16. Principal Raines has done a superior job of managing her students, her faculty, and her  
20 school community. Principal Raines has direct objective evidence of her advanced skills:  
21 Principal Raines has written grants for her school between the ranges of 50k -250k. These  
22 grants were restricted to professional development and student achievement. One grant was  
23

1 for a program called Reading First. Ninety-five of her kindergartners met standards.  
2 Principal Raines is a naturally born leader and has earned the respect of her teachers. Last  
3 year, she taught a campaign among her staff members to improve WASL outcomes. On the  
4 strength of Principal Raines personality and her passion for her students, Brighton Elementary  
5 School made Annual Yearly Progress (AYP).<sup>2</sup> Adequate Yearly Progress requires that every  
6 public school completes three requirements annually. A requirement for the percentage of  
7 growth is determined on a state-by-state basis. A certain percent of all students are tested for  
8 reading and mathematics; minimum annual target for meeting or exceeding standards for  
9 reading and mathematics, and all students meet the minimum annual target for attendance  
10 rate for elementary.  
11

12 17. Principal Raines is a Seattle native and was a student in the district from K-12. She  
13 received her Bachelor's and Master's Degrees from the University of Washington. Principal  
14 Raines is a Danforth graduate. Danforth is the principals program at the University of  
15 Washington. She has been married 40 years, has two children. All of them including the  
16 father have attended Seattle Public Schools.  
17

18 18. Principal Raines created a program that attracts 60 or more volunteers in the school  
19 each and every school year. Principal Raines is still smiling after being harassed for the last  
20 two years by her area director which came to Seattle from an educational testing company.

21 19. **Ronald Howard:** Mr. Howard has been the assistant principal at Aki Kurose for four  
22 years. Mr. Howard is a Black American male. Assistant Principal Howard has led an

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23 <sup>2</sup> The No Child Left Behind Act makes provisions for schools that do not demonstrate adequate yearly progress.  
24 Those that do not meet AYP for two years in a row are identified as "schools in need of improvement" and are  
25 subject to immediate interventions by the State Education Agency in their state. First steps include technical  
26 assistance and then, according to the Department of Education, "more serious corrective actions" occur if the  
school fails to make Adequate Yearly Progress.

1 interesting and unique professional career. He attended Pasco Senior High School, class of  
2 1970 and played three sports football, basketball, and track. Assistant Principal Howard  
3 received a full scholarship from Seattle University and played four years of college  
4 basketball. Assistant Principal Howard graduated in four years with a bachelor's  
5 degree in education. He signed on as a free agent with Dallas Cowboys, and played for  
6 two years. Assistant Principal Howard played in Super Bowl X. He had the distinct  
7 honor of being the first player selected in the expansion draft to the Seahawks, and  
8 played for three years and then he retired. He worked 10 years as an Iron Worker and  
9 then retired. Naturally, he has educated young black youth through coaching high school  
10 football and track and has done this for seventeen years.

12 20. Assistant Principal Howard's educational philosophy consists in part of the following:  
13 "Lastly, in order to excel in the field of education, one must have a compelled spirit to serve.  
14 As a classroom teacher, I relished in the gains of my pupils'. The individual success of  
15 each student was such a soothing feeling for me. It has been my life-long dream to  
16 serve as an educator. Education is the most passion-driven form of human altruism that  
17 exists, in my humble opinion. Today, my sheer covet drives me to be the best educator I  
18 can be. Through modeling the proper civic and academic example; I have the capacity to  
19 be a change agent. Education has the ability to transform a human life, for good. I  
20 encourage all to have a philosophy of practice or look into developing one. Being a  
21 reflective practitioner creates ground for more progressive/forward thinking. I truly  
22 believe all can succeed, given support and cultures of high expectations where leadership  
23 is transparent and adaptive".  
24

1 21. Last year, Assistant Principal Howard was told by Ruth Medsker, a white woman, that  
2 he only had a provisional position as Assistant Principal. Ms. Medsker also told Mr. Howard  
3 if he wanted to be an assistant principal it would be in another district. The undersigned  
4 attorney appeared and his position was correctly saved. Ms. Medsker is now retaliating  
5 against Mr. Howard without statutory authority. She has created an atmosphere of fear,  
6 intimidation, and hostility and culture of fear. Mr. Howard seeks Court intervention so the  
7 discrimination will stop.

8  
9 22. **Sandra Bosley:** Sandra Bosley, a Black American woman, grew up around educators  
10 who were family members. Ms. Bosley is married to a very supportive husband. By simply  
11 reviewing her record, Ms. Bosley is someone who normally achieves whatever goal she has  
12 for herself, she is only 50 years old and at the this lawsuit Ms, Bosley is going to ask the jury  
13 to return to her school district a principal,

14 24. Ms. Bosley was the House Administrator at McClure Middle School, Assistant  
15 Principal at Dunlap, then interim principal when her supervisor a Black American male was  
16 pushed out of Dunlap by the Superintendent with a very minute amount of money and a  
17 signed agreement that he would never apply for any position in the district. He has never  
18 been back inside a schoolhouse. Larry Jacobs her supervisor wrote "Ms. Jackson has done an  
19 excellent job in her first semester at Dunlap under very trying circumstances. She now has a  
20 wonderful opportunity to demonstrate her leadership skills as acting principal for the second  
21 semester. This evaluator looks forward to providing as much support as possible to ensure the  
22 school's success through the transformation process. *Mid-year Evaluation Report, February*  
23 *11, 2002.*



1 25. As Acting Principal of Dunlap Elementary School half year assignment: January-June,  
2 Ms. Bosley (1) Supervised and evaluated staff of 70 based on District's expectations, (2)  
3 Provided guidance and counsel to faculty regarding methodology, classroom organization,  
4 and instructional materials to encourage, innovation and to improve instruction (3) Provided  
5 leadership in discussions on academic achievement and data analysis (4) Engaged staff in the  
6 completion of the Transformation Plan, (5) Collaboratively facilitated the preparation,  
7 implementation and monitoring of the building Quarterly and annual budget in alignment  
8 with the Transformation and Staffing Plan, (6) Maintained a safe, orderly, effective teaming  
9 environment and positive school climate, (7) Facilitated/communicated with parents on  
10 appropriate student matters, (8) Recognized/celebrated high performing staff and students  
11 through written media, staff meetings, Dynamite Dolphin Assemblies, and Family Nights, and  
12 mentored new Assistant Principal.  
13

14 26. On April 15, 2001, former Superintendent Joseph Olchefske sent a letter to the parents  
15 of Dunlap's announcing that he had unilaterally appointed a white male as principal of  
16 Dunlap even though he had promised to include the community, families, and interested  
17 parties. Mr. Olchefske informed the parents that Mr. Greg Imel would accompany him to  
18 Family Night on April 25, 2001. On Family Night, the students perform for their parents and  
19 community.  
20

21 27. When Mr. Olchefske arrived at the school there was the palpable scent of anger in the  
22 air. A Black American male parent commandeered Mr. Olchefske to have a private  
23 conversation with him. Larry Jacobson, Ms. Bosley's immediate supervisor, asked her what  
24 that parent was saying to the Superintendent. Ms. Bosley replied that she did not know. At  
25

1 that point, a Black American female stood up, took the mike, and started preaching to the  
2 crowd and the children how wrong it was for the Superintendent to hire someone without any  
3 input from the families or community or staff. The Superintendent broke away from the man  
4 ran over to Ms. Bosley and told her to go over and take the mike from the second woman who  
5 wanted to be heard. Ms. Bosley very kindly told him, "I think you should listen to what they  
6 have to say." "I want to".

7  
8 28. Mr. Olchefske took the mike away from the second woman and chastised the crowd  
9 by telling them that Family Night was not a place to discuss their concerns about the new  
10 principal he had appointed. Even though, he had sent a letter to the families on tax day and  
11 told them he was bringing business into their pleasant family night.

12 29. Acting Principal Bosley's fate was sealed that night in the educational system in  
13 Washington. Mr. Olchefske retaliated against Acting Principal Bosley quickly and  
14 mercilessly. He told her she was not a team player and certainly not a leader in his eyes. Mr.  
15 Olchefske stripped her of everything including a permanent placement. He sent her to Rainier  
16 Beach as an on call substitute teacher.

17  
18 30. Ms. Bosley tried to explain to him she was being a leader to her students first and to  
19 their parents. Mr. Olchefske had marginalized the entire Dunlap Community and he wanted  
20 to further humiliate, control, and eviscerate the parents in front of their children. Acting  
21 Principal Bosley prevented a mini-riot but the Superintendent could not see that because he  
22 did not see the parents as important.

23 31. In direct contrast, Mr. Olchefske wrote a letter to which confirmed, "Starting May 4<sup>th</sup>,  
24 an interview team composed of Blaine staff and parent representatives will participate in  
25

1 site interviews of the final candidates The American Black woman, over 40 was not being  
2 asked to stay on as principal. The demographics at these schools are the difference night and  
3 day.

4 32. After her experience at Dunlap, Ms. Bosley decided to spend \$26,000.00 to become a  
5 Danforth graduate. The district has always promised that if you were a Danforth graduate  
6 you would always be placed as an administrator before all others. That is not how it actually  
7 turned out for Ms. Bosley. Ms. Bosley has received data just recently from one of her inside  
8 supporters. She crunched some numbers but ultimately it will be her forensic economist that  
9 will present the statistics to the court. The district's record should show: There were 32  
10 people in Cohort 14. Of those 32 people, 29 got a leadership job (ex: Principal, Assistant  
11 Principal, Coach, House Administrator, Dean, Head Teacher, and Program Manager). Of  
12 those 29 who got jobs, 6 were hired by Seattle School District. Of those 6 hired by SSD, at  
13 least 1 was Black, 23 of those 29 got jobs in other school districts. The names listed in the  
14 last column are the ones who did not get a job in their district (ex: some elect not to apply  
15 until a later year). SSD stands for Seattle School District. Seattle School District hired at  
16 least one Black American from Danforth every year except her year (2004) in a leadership  
17 position (they purposely didn't hire her). Seattle School District hired 2 over the age of 40  
18 from Danforth within an 8 year period (2001-2008) in a leadership position. Seattle School  
19 District hired a total of 55 between 1999-2008 in a leadership position, of which at least 9  
20 were African American and 2 were over the age of 40.

23 33. Ms. Bosley fought her way back to get on track for her goal of becoming a principal.  
24 She was given House Administrator's position at McClure. As McClure's House  
25

1 Administrator, Ms. Bosley (1) Supervised student and school, activities, (2) Participated in  
2 student disciplinary action, (3) Facilitated/communicated with parents on appropriate student  
3 matters, (4) Maintained liaison between school, staff, and parents in matters relating to  
4 student performance and school policy, (5) Facilitated//created/reviewed as the 504  
5 Coordinator, 504 Plans with parents and teachers, (6) Maintained liaison, as the Arts Infusion  
6 point person, between school, staff, parents, and outside artists in scheduling the Arts Infusion  
7 Program in the classroom, (7) Monitored student attendance and meet with parents to create  
8 attendance contracts, (8) Monitor" as the Sports coordinator, coaches to ensured paperwork  
9 was current, that rules and regulations are followed, and provided important schedule/meeting  
10 information, and (9) Supervised, as the Ski Coordinator, 36 students on ski/snowboard trips to  
11 Summit West.  
12

13 34. Ms. Bosley's principal begged the current administrator to allow Ms. Bosley what she  
14 had rightfully earned. Ms. Bosley's principal wrote: "In her role as a House Administrator,  
15 she has gone above and beyond the traditional scope of this job. I have been thankful to have  
16 such an experienced individual as Sandra here at McClure during my first year. She has  
17 helped to make the transition to McClure a smooth one. I have been able to count on her  
18 experience and expertise throughout the year. Sandra has overseen our athletic program; our  
19 Arts Infusion program; our Ski Program, and a host of other program and activities that have  
20 contributed positively to McClure Middle School. Sandra is very intelligent and extremely  
21 committed. Sandra has consistently demonstrated her leadership abilities and her capability to  
22 maintain a professional standard of conduct at all times."  
23  
24  
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1 35. "As our 504 coordinator Sandra coordinates all of our meetings and maintains all of  
2 the paperwork necessary for the student files. She is in constant contact with parents and  
3 teachers to make sure that everyone has the information needed and above all, that student  
4 needs are being met. Because she coordinates several programs including our athletic program  
5 she needs to be able to demonstrate superb organizational skills, and attention to detail; which  
6 has been done throughout the school year. Sandra has truly been a positive member of our  
7 Administrative team."

8  
9 36. "Sandra shows commitment to the building and the administrative team; and her focus  
10 has been to make our school the best possible place for students to grow and be successful.  
11 She is and always has been open to feedback and learns quickly. Sandra has shown the  
12 resourcefulness, energy and the dedication necessary to become a true leader."

13 37. Finally, Ms. Bosley's philosophy for teaching "The educational (instructional) leader  
14 boldly leads the academic program, constructively evaluates teachers leading to the  
15 improvement of teaching and learning, and assesses results. This leader reflects on the  
16 school's culture and practices, and promotes the importance of inquiry, constructive  
17 dialogue and decision-making as a professional responsibility of the school/community team  
18 to improve student achievement. They provide collaborative time for grade level/subject  
19 matter teaming and staff development for continuous instructional improvement  
20 engaging in different kinds of teaching and learning.  
21

22 38. The exemplary leader sets the tone for creating a culture that supports  
23 collaboration, articulation and powerful teaching and learning that will lead towards  
24 closing the academic achievement gap and raising test scores. The exemplary leader also  
25

1 recognizes, creates opportunities, and supports their staff's involvement in school  
2 improvement and organizational change. The exemplary leader, in short, is one who  
3 others respect and want to follow. They are able to have fun and never let a day go by  
4 without laughing. They are not only proactive and productive, but ask, guide, delegate,  
5 communicate, encourage, and take risks. They are a visible, confident, and caring  
6 positive role model. Such a leader is also energetic, creative, a listener, well organized,  
7 flexible and goes that extra mile to make a difference in the lives of children and adults  
8 alike. They are also an effective orator, writer, monitor, disciplinarian, and mentor.  
9 Pride does not keep this leader from seeking help when needed, and criticism is received  
10 in a constructive manner.  
11

12 39. But above all else, an exemplary leader has an inner awareness, is trustworthy,  
13 respectful, and fair in everything that they say and do across all ethnicities, genders, and  
14 age, and carries themselves in a professional manner at all times.

15 40. Ms. Bosley stopped being interviewed after the Family Night at Dunlap. Each  
16 year, Ms. Bosley routinely sends out 15-30 applications to other school districts including  
17 one in Atlanta. She has never been interviewed the well has been poisoned.  
18

19 41. **Chalice Stallworth:** Ms. Stallworth is a teacher at the Black African Academy. She  
20 is a Black American woman who loves teaching and community service. Ms. Stallworth and  
21 her mother and father were known for their generosity and philanthropic hearts. Ms.  
22 Stallworth was a hand on teacher. Her philosophy includes "I desire a work environment that  
23 allows for; occasions to collaborate and work in teams to produce effective academic action  
24 plans. I hope to have challenges and opportunities for learning and personal growth. I expect  
25

1 to work with co-workers who show respect for one another, work hard together, and  
2 demonstrate respect for the lives and cultural beliefs of each client”.

3 42. Ms. Stallworth believes it is her responsibility to coordinate remedial education  
4 services and provide interventions for referred students; to provide diagnostic assessment and  
5 educational action plans for school aged children and their families; to assist teachers in  
6 providing creative, meaningful and developmentally appropriate academic instruction; to  
7 assist individuals in discovering their giftedness and their unique style of learning and assist  
8 them in overcoming the challenges associated with their learning style or giftedness; to assist  
9 families in connecting with community resources and provide guidance in creating and  
10 maintaining an enriching home environment; to provide workshops on parenting, child  
11 development and techniques for teaching the unique learner.  
12

13 43. Ms. Stallworth received a contract in August which was signed by the Superintendent  
14 but the district made a unilateral decision to breach the contract, thus she has not been paid.

15 44. **Ronald Pleasant:** Mr. Pleasant is a Black American male who supervises a special  
16 education classroom without an aide for some of the most behaviorally (anti-socially)  
17 challenged Black American boys at Cleveland. The room is so small that these violent  
18 students, Level I, Level II, and Level III, reacted negatively within the confined space by  
19 hitting each other. These students will commandeer the classroom to tell sexual stories about  
20 “golden showers” and “masturbation”. Even though these special education who are not  
21 provided services to ameliorate their behavior and provide them social norms, Mr. Pleasant  
22 still attempts to send the most destructive students out of the classroom, the principal sends  
23 them right back to his classroom.  
24  
25

1 45. In addition to the small room, Mr. Pleasant has four very old computers for the  
2 children which he cannot get them functional for his students after many requests.

3 46. Mr. Pleasant has been chronically underpaid during his seven years and he has been  
4 treated differently than others. The district refuses to pay for any professional development.  
5 He was told that if he wanted professional development he would have to pay for it himself.  
6 Mr. Pleasant is outspoken always asking “where the money is going?? The money is not  
7 going to his students because “he has been directed not to include anything in the IEP that  
8 might cost additional dollars, although the district obtains special dollars because of their  
9 status”. Hence Black American boys in his class “do not receive appropriate specialized  
10 services so these maladjusted boys multiply and multiply”.

12 47. Mr. Pleasant’s computer has been tampered with and all of his “emails are routinely  
13 reviewed”. Because he is passionately outspoken about all students but particularly those  
14 that look like him, the district has restricted the areas that he can log onto. One day his  
15 principal, Princess Shariff called him into the office and started screaming and yelling at him  
16 at the top of her voice, she screamed among other things “look at you sitting there looking so  
17 pitiful”. She screamed “I am not as not going to pay you.”

19 48. Mr. Pleasant had an interesting childhood. His parents were married for 60 plus years  
20 and together they had 20 children, eleven boys and eight girl, and only one set of twins which  
21 Mr. Pleasant is one of the twins. He was born in Yakima, WA. Mr. Pleasant has two master’s  
22 degrees but “lives in fear everyday because of the systematic racism at the district”.

23 49. **Mark Brandon Della:** Mr. Della grew up in Seattle with his eight other Filipino  
24 brothers and sisters. He has had a long career in community service working his way from  
25



1 the bottom up. Among knowledgeable persons Mr. Della is considered very skillful and very  
2 knowledgeable. Mr. Della has served in a variety of community services positions. Mr. Della  
3 and his brothers have made many accomplishments on behalf of the children in this  
4 community. Those accomplishments literally fill five pages. For example, long before his  
5 former two supervisors were his supervisors, Mr. Della was the Administrator, Multicultural  
6 at-Risk Intervention Services Unit (MARISU).

7  
8 50. In this position, under the supervision of the Assistant Superintendent of Dr. Collins  
9 and Dr. Olvin Moreland, Mr. Della was the frontline manager of the Multicultural and At-  
10 Risk. He hired staff who provided services to high risk and at risk students. Mr. Della  
11 developed skills in drug and alcohol prevention and intervention services. Mr. Della **was one**  
12 of the forbearers of actually constructing a strategy for dealing with gangs without use of the  
13 juvenile justice system. He supervised the Lead, Outreach Intake Unit with Dr. Collins,  
14 Assistant Superintendent. In 1988, Mr. Della was one of a select group of men who started to  
15 fashion programs for at-risk youths of color that interfaced with the school district. All  
16 programs now can be traced back to the solid foundation laid by Mr. Della and other men who  
17 foresaw that the at risk youth was not an anomaly but a permanent fixture in this city's  
18 schools. While many citizens were reading about this new brand of youth, Mr. Della was in  
19 the trenches developing programming that is still being used today by many agencies.  
20

21 51. Mr. Della has worked with Ron Sims, Theresa Fujiwara, the City's Human Resource  
22 Department, and a host of trustworthy public officials.

23 52. After 26 years, Mr. Della was fired in a very short and terse letter by someone he did  
24 not know. Don Kennedy wrote the letter that fired Mr. Della but told him they were  
25

1 restructuring so he could apply for one of the open jobs. The district rated him number three  
2 but skipped over him and offered the job to candidate four. The letter from Don Kennedy was  
3 sent after the Director of Security called him at a high school he was visiting and assured him  
4 he would be appointed to one of the open positions, a past practice for the district.

5 53. Because he had not notice and no unfavorable performance evaluations, Mr. Della  
6 was caught completely off guard and he lost everything a man could lose. His wife's  
7 depression escalated and she has started to drink, his home, his credit, his standing in the  
8 community was lost because it was published to many people that he was incompetent and  
9 then he was fired. When he found out that he was not going to get one of the three new  
10 positions, the was in the process of adopting his wife's granddaughter, after he was fired he  
11 couldn't pass the home study or adoption, his wife's flesh and blood was adopted by  
12 strangers. Mr. Della is in a fragile emotional state at this time.

14 54. **Demetrice Thomas-Danzy:** Ms. Thomas-Danzy is a beautiful youthful looking Black  
15 American, 42 year old woman with a deeply held love for her son who attended the Seattle  
16 School District, the children she taught and shoes. Ms. Thomas-Danzy is a single mother who  
17 raised a college educated son. Her own mother passed away when she was just three years  
18 old and she was born with Asthma which created the need for her current 504 Plan. Ms.  
19 Thomas-Danzy was determined not to allow her adversity to stand in the way of her being a  
20 productive citizen. Before applying to the district, Ms. Thomas-Danzy worked for both the  
21 Seattle Police Victim Support Team as a Volunteer and Bellevue Police Department as a 911  
22 Dispatcher. She is very intelligent and unyielding in matters of truth and honesty.

1 55. Ms. Thomas-Danzy has an outstanding reputation among her colleagues. A teacher  
2 wrote in 2007, "I worked along side Demetrice at Southwest Interagency of the Seattle School  
3 District for two years. She held the title of Correctional Educational Associate, but due to the  
4 environment and situations that arose during her tenure at the site, she willing took on many  
5 other roles to see the students she worked with succeed".

6 56. He goes on to further write, "During my time with Demetrice I came to admire her for  
7 her many valuable qualities, and regarded her with evermore respect. Very much a team-  
8 player, Demetrice was always easygoing yet passionate in her work. Her good people skills  
9 allowed her to an influence not only in her student's lives but also the lives of their guardian  
10 with whom she spoke.

12 57. Another teacher, wrote, "This is a letter of support for my former co-worker  
13 Demetrice Danzy with whom I worked with at Southwest Interagency Academy..."  
14 "Demetrice Danzy and I shared a small office, so we learned a lot about one another in a short  
15 period of time. While employed as a first year teacher at Southwest, I had the pleasure of  
16 watching Demetrice works with delinquent at-risk youth, some of the most socially and  
17 academically challenged students in Seattle Public Schools. When students were disruptive, I  
18 was often in awe of how insightful Demetrice was problem solving on the spot. Ms. Danzy is  
19 resourceful, and solution oriented person, which, made her incredible effective when assisting  
20 our students with positive decision making skills"... Dian and I had no contact with the low-  
21 level reading group during reading period. "Demetrice was scheduled as the sole instructor for  
22 Southwest's low level reading group".

1 58. Going back to the beginning, in 1999, Ms. Thomas-Danzy became employed by the  
2 district as a Correctional Education Associate ("CEA"). She belongs to the Seattle Education  
3 Association (SEA) because she is a paraprofessional. Ms. Thomas-Danzy worked at  
4 Interagency Schools for nontraditional with a difficult population of students, and during the  
5 course of her ten year tenure, she was directed by her immediate supervisors to teach special  
6 educational students substantive courses, reading, language arts and behavior modification,  
7 which is recorded as personal growth on official transcript. On numerous occasions over the  
8 years, Ms. Danzy reported to several upper level administrators that she was being required to  
9 teach, award grades and credits for students attending Southwest Interagency school.  
10

11 59. Ms. Thomas-Danzy's was nominated for the Outstanding *Teacher's Honor Roll* Award  
12 out of Philadelphia by one of graduate students. The organizers wanted to come to her school  
13 at Southwest to interview her, but Ms. Thomas-Danzy declined. It was during this time that  
14 Ms. Thomas-Danzy began to realize that even though she put her heart, soul, and passion into  
15 teaching her children; she was ultimately allowing the Seattle School District to continue to  
16 cheat them of the education they statutorily deserved by not coming forward formally and  
17 publicly in spite of her fears about losing her position and being retaliated against. It was at  
18 that point, Ms. Thomas-Danzy summed the courage to file a formal grievance in spite of her  
19 emotional anxiety regarding her job security opposed to going to individual administrators.  
20

21 60. Therefore on March 15, 2007, Ms. Thomas-Danzy filed an official grievance 06-07-  
22 0017, against the district. The grievance alleged violations of the SEA\ Paraprofessional  
23 Employee's Collective Bargaining Agreement. The specific violations included Article 1  
24 Section B and B6, Article Section C2, Article X Section Fl.  
25

1 61. Ms. Thomas-Danzy was not prepared as to how she would be treated. She really  
2 believed that due to her not being in trouble; in the past that other upper level Management  
3 would have appreciated knowing about this inequality regarding our Interagency students lack  
4 of receiving a free appropriate education they desperately needed and deserved, but she was  
5 dangerously wrong.

6 62. On April 5, 2007, Ms. Danzy had a step one hearing for grievance 06-07 0017. Before  
7 the step-one hearing with Ms. Thomas-Danzy, Cindy Ortega the principal asked if she could  
8 conduct an employee evaluation of Ms. Thomas-Danzy. She promptly requested Union  
9 representation, in accordance with the Weingarten Rights, but, she was denied by the  
10 principal, Ms. Ortega. Of course the evaluation was an unsatisfactory evaluation,  
11 accompanied by a formal letter of reprimand, which prompted a performance improvement  
12 plan.  
13

14 63. Ms. Ortega's conduct was retaliatory and violated Article III, Section G4 of the  
15 collective bargaining agreement. TJ1C Principal's conduct also violated Article IH, Section  
16 G3. On April 17, 2007, Ms. Danzy filed a grievance alleging that Ms. Ortega violated the  
17 "CBA", when she issued the letter of reprimand and a performance improvement plan which  
18 is usually given after the performance evaluation. On April 25, 2007, Ms. Thomas-Danzy  
19 took a three-week stress leave of absence, pursuant to her Doctor's recommendation.  
20

21 64. But that was just the beginning, Ms. Thomas-Danzy was constantly sent home, she  
22 had a series of different positions, she began to receive these mean spirited letters and emails  
23 from Misa Garmoe, Cindy Ortega, Faye Chess-Prentice, and Sue Means,. Their letters and  
24 emails were harassing and intimidating. Misa Garmoe whom is mentioned above, placed Ms.  
25

1 Thomas-Danzy at Wilson Pacific Interagency to accommodate her 504 disability. She  
2 actually felt safe there considering all the surrounding circumstances . Since Ms. Thomas-  
3 Danzy loved the placement and her supervisors knew it, she was informed by the Wilson  
4 Pacific Administrative Assistant to vacate the building immediately per Cindy Ortega and  
5 Misa Garmoe. The Assistant told her to go home until further notice. By the time Ms.  
6 Thomas-Danzy Shockingly, Misa Garmoe the Human Services Manager made an admission  
7 in an email that Ms. Thomas-Danzy was never notified that when the three administrators  
8 made her leave her position it was unpaid. Ms. Thomas-Danzy sent an email to Faye Chess  
9 Prentice in reference to two issues: the site placement, wages, and the attendant hostile  
10 environment. Ms. Chess-Prentice that the district's theft of 257 hours would not be restored  
11 regardless of what Ms. Garmoe wrote in her email.  
12

13 65. Ms. Thomas-Danzy is being treated hostilely but she cannot survive without that job  
14 because of the statistics that show over 40 workers seldom get hired. Ms. Danzy has  
15 approximately 300 hundred emails where she kept begging someone anyone to stop the  
16 harassment and retaliation.  
17

18 66. **Audrey Weaver:** Ms. Weaver is a 45 year old vibrant Black American woman. She  
19 has worked as a security specialist for 26 years. Ms. Weaver is very meticulous about  
20 everything, she normally arrived at work every day an hour early and she was always the last  
21 to leave with Ms. Lupe Barnes, an assistant principal. Ms. Weaver would constantly monitor  
22 the hallways and on many occasions she was the only person to break up fights between girls  
23 and boys. Ms. Weaver had two other security specialists working with her but they were  
24 never around when the hard work had to be done.  
25

1 67. Ms. Weaver has serious mental and emotional disability. She has consecutive panic  
2 attacks which are frightening to watch. She talks incessantly and she cannot retain many  
3 details in her mind. Principal John Boyd, a white male, started to harass Ms. Weaver because  
4 of her disability.

5 68. On Monday May 19, 2008, her supervisor Pegi McEvoy should have accommodated  
6 her with a transfer, immediately after the mediation. The need for the mediation meeting  
7 arose from a conflict of interest between John Boyd and Ms. Weaver. This conflict has  
8 reduced her level of trust for him and caused a less secure feeling of support from John Boyd.  
9 There have been security specialists in the past and present that have been accommodated and  
10 have been moved out of similar situations. Ms. Weaver felt intimidated and she felt like she  
11 was being treated unfairly in the work place. With these facts at hand, Pegi McEvoy decided  
12 to keep her in this hostile environment. The 504 (accommodation request) had been submitted  
13 long before the situation occurred" The 504 was submitted in February 2008. Ms. Weaver did  
14 not receive a response in regard to its submission until she was placed on administrative leave  
15 on April 1, 2008.  
16

17 69. Ms. Weaver had two preexisting doctors who she cannot function without. Andy  
18 Sands, MD, wrote Dear Ms. Little: I have been the treating psychiatrist for Ms. Weaver since  
19 I first met her July, 11. 2007. I feel that Ms Weaver should be on long-term disability because  
20 of chronic depression and anxiety. She has panic attacks and a sleep disorder in addition to  
21 periods she cannot cope.... Her mental status can be quite – but it is often depression, and  
22 anxious...Please let me know if I can be of further help. May 30, 2008  
23  
24  
25

1 70. Ms. Weaver's therapist Jeffrey Morrison, MA wrote, I am currently providing mental  
2 health counseling to Audrey Weaver. In my professional opinion she is unable to perform her  
3 job duties at this time due to anxiety and depression. It is unclear how long she will be unable  
4 to work for the Seattle School District or the City of Seattle Department of Parks and  
5 Recreation. I will continue to work with her and will reevaluate her job readiness in 60 days.  
6 June 6, 2008.

7 71. The district completely ignored her medical doctor and therapist. In stead they took  
8 the opinion of an unknown doctor to Ms. Weaver, who talked to her for less than 50 minutes  
9 and he did not perform any tests.

10 72. Finally, the district after many consecutive panic attacks moved Ms. Weaver to  
11 Madrona K-8 where an 8 year old boy told her he was going to blow her mother..king head  
12 off and kill all the mf's in this school. Ms. Weaver was attempting to call the police because  
13 it was a serious threat. The principal would not allow it because the people in the  
14 neighborhood do not like the police called.

15 73. **Jacques Johnson:** Mr. Johnson is a security specialist and he is a Black American  
16 male. Mr. Johnson is outspoken when he believes that children might be in danger. He is  
17 astute enough to go up the chain of command but he has to eventually write a letter to the  
18 Board of Directors. His letters are not accusatory but simply relay factually information about  
19 safety issues. Mr. Johnson has interacted with the undersigned attorney for about two years.  
20 He is very shy. What anyone can discern is that he lives his life in fear of being fired, of  
21 being fired for no cause. Mr. Johnson has had a no cost 504 for years basically not staying  
22  
23  
24  
25



1 outside too long when there are abnormal levels of pollutants in the air. Mr. Johnson has a  
2 doctor's statement which the district refuses to honor.

3 74. **Markus Perkins:** Mr. Perkins is still getting a little frustrated by the rain loves it  
4 here. He is a big sports fan and really loves his Oklahoma Sooners (old habits I guess). Mr.  
5 Perkins enjoys walking and meeting people. He is really people oriented and loves meeting  
6 people from lots of different places and getting to know their stories and sharing his. Mr.  
7 Perkins especially loves being around children and young people. He has always taken  
8 particular pride in being able to spread a little wisdom to some of the kids he encountered at  
9 one of the many schools he has worked in. On more than one occasion we have run into kids  
10 that attended a school where Mr. Perkins worked that still remember him, came up to say "hi"  
11 and thank him for something he may have told them that became meaningful. This type of  
12 encounter gives Mr. Perkins unbelievable satisfaction that in some small way he may have  
13 helped some young person think about something a little differently or given them a tool that  
14 they might use later in life.  
15

16 75. Mr. Perkins is a custodian and he is a Black American male. Mr. Perkins is a lively  
17 man and probably enjoys staying home as much as working. Mr. Perkins has worked for the  
18 district for 26 years. He has some character traits that dated back to 1982, yet the district  
19 never took any aggressive actions. The district did not fire him although it tried once and was  
20 overturned at Step I. Mr. Perkins has some bad behavior write ups but not as many as the  
21 good write ups he has praising his worth ethnic.  
22

23 76. Mr. Perkins has had excellent to satisfactory evaluations, he works hard when he  
24 comes to work. This has been occurring for 26 years. When the district discovered he was  
25

1 scheduled for knee surgery on February 10, 2009, it fired him on January 13, 2009 for many  
2 of the same habits he has had over the years.

3 77. However, the district did something it normally did not do; it gave Mr. Perkins his  
4 worst evaluation ever. Mr. Perkins believes the reasons for firing him are a pretext because  
5 the district did not want to provide reasonable accommodations or make some other  
6 arrangements for his recuperation. Since he cannot work because of the surgery, Mr. Perkins  
7 cannot receive unemployment.  
8

9 **IV. CAUSES OF ACTION FOR ALL PLAINTIFFS**

10 78. Because of the longstanding pattern and practices of discriminatory treatment based  
11 upon color by Seattle School District No. 1; Plaintiff Raines, Plaintiff Howard; Plaintiff  
12 Bosley; Plaintiff Stallworth; Plaintiff Pleasant; Plaintiff Della; Plaintiff Thomas-Danzy;  
13 Plaintiff Weaver; Plaintiff Johnson, and Plaintiff Perkins are suing Seattle School District No.  
14 1 to obtain policy changes, Federal oversight, and remuneration for their injuries, and to stop  
15 the separate and unequal education for children of color and disabled children. Separate is  
16 acceptable but unequal is not.  
17

18 **A. FIRST CAUSE OF ACTION**  
19 **DEFENDANT SEATTLE SCHOOL DISTRICT**  
20 **INSTITUTIONAL (SYSTEMIC) RACISM**

21 79. In furtherance of Defendant Seattle School District willfully and intentionally  
22 actions engaging in a pattern and practice of employment discrimination against African  
23 Americans and people of color perpetuate the effects of past racial and ethnic discrimination.

24 80. In Defendant Seattle School District's attempt to control through promoting an  
25 atmosphere of fear and intimidation, it damaged many more employees listed above:

26 COMPLAINT FOR DAMAGES - 26

LAW OFFICE OF BRENDA J. LITTLE, LLC  
524 First Avenue South  
Seattle, WA 98104  
(206) 622-2458  
(206) 624-5381(Fax)

1 Principal Raines cannot sleep and her enjoyment of life has diminished; Assistant Principal  
2 Howard cannot focus on his needy students, his home life is suffering, and he is just plain  
3 frightened that the district will end his career before he accomplishes what he set out to  
4 accomplish; Ms. Bosley has taken a leave because her medical doctor/psychiatrist opined that  
5 she has severe depression, she can nearly get out of bed and abhors discrimination.

6  
7 81. Teacher Pleasant has no enjoyment out of life because he is treated with utter  
8 disrespect, he is especially troubled that he has been told not to expend monies of Black  
9 American boys from their special educational allotment; Teacher Stallworth has not been  
10 paid even though the law requires it and she has disabilities that should have been  
11 accommodated; Ms. Weaver was best security monitor, she started to be targeted by Principal  
12 Boyd's hostile demeanor, people who love her watched her descend into a place where no  
13 one ought to be; Mr. Della lost everything including his granddaughter and the position they  
14 took from him is still not filled, there are too many Dellas; Mr. Johnson lives in great  
15 psychological fear; and gets the tiniest of accommodation with demeaning discussion, and  
16 even though Mr. Perkins exhibited the same habits for 26 years when the district discovered  
17 he was having his knee replaced it immediately fired him in violation of ADA and  
18 Rehabilitation Act of 1973.

19  
20 82. Demetrice Danzy is under a tremendous amount of stress relying on prescribed  
21 medication to get her through the hostility. Working outrageous hours and living in constant  
22 fear of losing job or being sent home without reasonable cause. Ms. Danzy has become  
23 extremely withdrawn from family member, friends and son. Demetrice Thomas-Danzy was a  
24 stellar employee with excellent performance evaluations throughout her tenure, which it  
25

1 caused her to believe that this would be her shield when she went public with the fact that she  
2 had been teaching, students of color, special education students, without endorsement or  
3 teaching certificate.

4 83. Most entities would not make statement against its own interest. For the last five  
5 years, been telling everyone who would listen that the district was fraught with institutional  
6 racism. For example, their director of equity and race wrote on her website "In response to  
7 the numerous concerns voiced regarding definitions posted on the Equity & Race website, we  
8 have decided to revise our website in a way that will hopefully provide more context to  
9 readers around the work that Seattle Public Schools is doing to address *institutional*  
10 racism..." "It is our hope that we can explore the work of leading scholars in the areas of  
11 race and social justice issues to help us understand the dynamics and realities of how racism  
12 permeates throughout our society and use their knowledge to help us create meaningful  
13 change.  
14

15 84. The Plaintiffs have met their first burden of proving "institutional racism, with direct  
16 and not hearsay evidence.  
17

18  
19 **B. SECOND CAUSE OF ACTION**  
20 **DEFENDANT SEATTLE SCHOOL DISTRICT**  
**HOSTILE WORKING ENVIRONMENT, SECTION 1983**

21 85. Hostile working environment must show the existence of a genuine factual dispute as  
22 to whether a reasonable American Black male or female would find the workplace so  
23 objectively hostile as to create an abusive working environment and whether the entity failed  
24 to take adequate remedial and disciplinary actions. Whether in light of all circumstances the  
25

1 harassment is "sufficiently severe or pervasive to alter the conditions of the victim's  
2 employment and create an abusive working environment."

3 86. Every person who, under color of any statute, ordinance, regulation, custom, or usage,  
4 of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any  
5 citizen of the United States or other person within the jurisdiction thereof to the deprivation of  
6 any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to  
7 the party injured in an action at law, suit in equity, or other proper proceeding for redress,  
8 except that in any action brought against a judicial officer for an act or omission taken in such  
9 officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree  
10 was violated or declaratory relief was unavailable. For the purposes of this section, any Act of  
11 Congress applicable exclusively to the District of Columbia shall be considered to be a statute  
12 of the District of Columbia.  
13

14 87. **Principal Beverly Raines:** Defendant Seattle School District conspired and acted  
15 jointly and in concert with multiple upper level personnel and different departments, under  
16 color of state law or authority; with a discriminatory intent, and subjected Plaintiff Raines, a  
17 citizen, to a deprivation of her rights, privileges and immunities, to wit, due process, equal  
18 protection of the law or equal privileges and immunities and that overt acts were done  
19 pursuant to the joint actions of multiple departments and the upper level manage team.  
20 Defendant Seattle School District's overt acts moved the conspiracy from the  
21 area of thought and conversation into action that caused the civil injury  
22 which resulted in damage to Plaintiff Raines. The following are overt acts of  
23 the Defendant Seattle School District.  
24

1 88. Principal Raines has been a pleasant and welcoming fixture at Brighton Elementary  
2 School for 13 years. Her staff, student, and families are her loyal supporters. Principal Raines  
3 wrote the \$250,000 reading grant which assisted 95% of her kindergartners to read within  
4 standards.

5 89. In furtherance of the objective of their joint actions, Defendant Seattle School District,  
6 both acting under color and pretense of the statutes, ordinances, customs and laws of the State  
7 of Washington and in a willfully, malicious, intentional, and discriminatingly misused their  
8 authority and that of its subordinates.

9 90. Seattle School District willfully acting in concert with each other by themselves, its  
10 agents, servants and subordinates, each and all procuring, aiding and encouraging the other  
11 did purposely and systematically and intentionally discriminate against Plaintiff Raines and  
12 subjected her to disparate treatment, because of her age and sex, in the following overt acts  
13 which were not privileged or compelled by law.

14 91. Maliciously and intentionally created a hostile working environment for two years,  
15 Principal Raines has been harassed by her director, Patrick Johnson unrelentingly. To wit, two  
16 years ago, Director Johnson walked up to Principal Raines and demanded to know when she  
17 was retiring. She said maybe next year but in her heart she wanted closure on her project.  
18 Principal Raines said during an interview, "I used to love what I was doing but Patrick has  
19 taken all the enjoyment and passion out of being an educator".

20 92. Five days into this current school year, Director Johnson approached Principal Raines  
21 and said "When are you going to retire? Principal Raines replied maybe at the end of this  
22 year". Director Johnson said, "Yea, Right, You said that last year".

1 93. In furtherance of the conspiracy, after this conversation, Director Johnson has  
2 constantly visited the school in plain view of everyone, criticized a kindergarten teacher so  
3 badly that she resigned and within a short period she became ill and died immediately and  
4 walks around like he is doing something at the school.

5 94. In furtherance of the conspiracy, the conspirators were acting jointly and harass,  
6 intimidate, and create a hostile working environment for Principal Raines. To wit, Director  
7 Johnson came to her school and was confrontational with Principal Raines, and he found out  
8 she was no pushover. The next day, Superintendent Goodloe-Johnson's secretary called to  
9 tell Principal Raines that the Superintendent would be at her school the next day.  
10

11 95. In furtherance of creating a hostile environment, Superintendent Goodloe-Johnson,  
12 came and went without saying much, but the point was made and that point was Director  
13 Johnson could manhandle Principal Raines and she could not defend herself.

14 96. In furtherance of the objective of the aforesaid conspiracy and in retaliation,  
15 Superintendent Goodloe-Johnson directed that Director Johnson to put Principal Raines on a  
16 performance improvement plan. Mr. Johnson has indicated to her in so many ways she is  
17 going to fired.  
18

19 97. In furtherance of the conspiracy to oust Principal Raines based upon her age and sex  
20 and in willful disregard of former President Bush' No Child Left Behind Act where objective  
21 measure trumped subjective biases, Director Johnson is attempting to fire Principal Raines  
22 using the old fashioned method of writing immeasurable ill founded criticisms of her  
23 "alleged" failures. Principal Raines took a group of children who should not succeed and  
24 those children succeeded, the school made AYP--Annual Yearly Progress. With this type of  
25

1 management how could Principal Raines be incompetent? Two days ago, Director Johnson  
2 said he wanted to increase his number of visits and to document subjective observations. He is  
3 taking valuable time away from the children and discriminating against Principal Raines  
4 based upon her age and gender.

5 98. Surely the taxpayers would want to pay Principal Raines the salary she has earned  
6 because the citizens would much rather pay a few more dollars to Principal Raines than have  
7 more children of color in jail, prisons, and committing crimes.

8 99. **Assistant Principal Ronald Howard:** Assistant Principal Ronald Howard  
9 incorporates Paragraph 69 by this reference. Defendant Seattle School District conspired and  
10 acted jointly and in concert with multiple upper level personnel and different departments,  
11 under color of state law or authority; with a discriminatory intent, and subjected Plaintiff  
12 Howard, a citizen, to a deprivation of his rights, privileges and immunities, to wit, due  
13 process, equal protection of the law or equal privileges and immunities and that overt acts  
14 were done pursuant to the joint actions of multiple departments and the upper level  
15 management team.  
16

17 100. Defendant Seattle School District's overt acts moved the conspiracy from the area of  
18 thought and conversations into action that caused the civil injury which resulted in damage to  
19 Plaintiff Howard. The following are the overt actions of Defendant Seattle School District  
20

21 101. Assistant Principal Howard was approached by Director Ruth Medsker  
22 last school year and informed Assistant Principal Howard that he was not really  
23 an assistant principal and that his appointment was temporary and provisional.  
24 Director Medsker, a white female, told Assistant Principal Howard that if he  
25



1 wanted to be an assistant principal, he would need to seek employment in  
2 another school district. Assistant Principal Howard retained legal counsel and  
3 kept his title and position. At that point, the defendant had thoughts and conversations  
4 about finding a way to retaliate against Assistant Principal Howard.

5 102. In furtherance of the objective of their joint actions, Defendant Seattle School District,  
6 both acting under color and pretense of the statutes, ordinances, customs and laws of the State  
7 of Washington and in a willfully, malicious, intentional, and discriminatingly misused their  
8 authority and that of its subordinates and attempted to punish Assistant Principal Howard  
9 because two special education had sex in the bathroom. The police declined to prosecute  
10 because it was not clear whether it was consensual. Director Medsker sent Assistant Principal  
11 Howard a letter stating that she was recommending to Superintendent Goodloe-Johnson that  
12 for the first time an assistant would be suspended and docked 5 days pay.

13  
14 103. Seattle District willfully acting in concert with each other by themselves, its agents,  
15 servants and subordinates, each and all procuring, aiding and encouraging the other did  
16 purposely and systematically and intentionally discriminate against Plaintiff Howard because  
17 three white female teachers ignored for many years their concerns about a classroom teacher  
18 molesting female students. These women did not get disciplined. Plaintiff Howard was  
19 subjected to this disparate treatment because of his color and gender.

20  
21 104. Seattle School District maliciously and intentionally created a hostile working  
22 environment for two years for Assistant Howard based upon his race to get him to go to  
23 another district. Assistant Principal Howard is succumbing to the fear and intimidation of the  
24 hostile environment. Assistant Principal Howard is walking with his upper bent over more  
25

1 and more as time goes on. Assistant Principal Howard knows he cannot throw in the towel  
2 because everything he told his young charges would be a lie.

3 105. Superintendent Goodloe-Johnson followed Director Medsker's directive. She  
4 attempted to suspend him for five days without pay. Assistant Principal Howard retained  
5 legal counsel.

6 106. Mr. Howard requested a hearing and contested the adverse action. Assistant Principal  
7 Howard received a letter from Deputy General Counsel Faye Chess-Prentice. Deputy  
8 Counsel Chess-Prentice told him that he had violated the statute of limitations therefore the  
9 Superintendent would not be scheduling a hearing for him and he was support of a  
10 subordinate mid-level manager to work out the details of his punishment.

11 107. Deputy Chess-Prentice was advised in a letter that she could not decide herself  
12 whether an appeal was timely filed and both federal and state rules of civil procedure clearly  
13 provide that any statute of limitations argument was a defense but that the Superintendent was  
14 statutorily directed to retain a hearing officer. The letter further explained to Deputy Chess-  
15 Prentice that this was a non-delegable duty state. Translated it means that a specific  
16 governmental duty or responsible cannot be delegated unless the statute clearly and  
17 specifically advises the governmental official that this is a duty they can delegate.  
18

19 108. Moreover, under 28A.400.100 the language is so clear it does not leave room  
20 for any interpretation; only principals can "Submit recommendations to the school  
21 district superintendent regarding the appointment, assignment, promotion, transfer,  
22 and dismissal of all personnel assigned to the attendance area for which he or she is  
23

1 responsible. This duty and responsibility is non-delegable as well it should be.  
2 There was no recommendation from Assistant Principal Howard's principal.

3 109. In furtherance of the conspiracy, after this December 26, 2008 letter, Deputy Chess-  
4 Prentice replied and essentially wrote she did not care what the law said. The letter also  
5 advised Superintendent Goodloe-Johnson that she did not have the statutory clearance to  
6 modify Assistant Principal Howard's contract. Assistant Principal Howard copied the  
7 Superintendent and Board President Cheryl Chow. Other attorneys in town are frustrated  
8 with Deputy Chess-Prentice's legal acumen on the simplest of legal concepts. To wit, a local  
9 attorney wrote to the Superintendent, "...Ms. Chess-Prentice responded for the district ...both  
10 responses were legally and factually wrong on a number of significant issues. She was  
11 blatantly wrong about the law...she obviously did not read the law I sent to her twice".

13 110. In furtherance of the conspiracy, the conspirators were acting jointly to harass,  
14 intimidate, and create a hostile working environment for Assistant Principal Howard, deny  
15 him substantive and procedural due process and equal protection under the law. To wit,  
16 Seattle School District had the low level employee telephone him to ask him when he was  
17 going to start serving time for his punishment. This subordinate did not have the respect to go  
18 through the Principal, his direct supervisor.

19 111. **Sandra Bosley:** Ms. Bosley incorporates Paragraph 69 by this reference. Defendant  
20 Seattle School District conspired and acted jointly and in concert with multiple upper level  
21 personnel and different departments, under color of state law or authority; with a  
22 discriminatory intent, and subjected Plaintiff Bosley, a citizen, to a deprivation of her rights,  
23 privileges and immunities, to wit, due process, equal protection of the law or equal privileges  
24

1 and immunities and that overt acts were done pursuant to the joint actions of multiple  
2 departments and the upper level management team.

3 112. Defendant Seattle School District's overt acts moved the conspiracy from the area of  
4 thought and conversations into action that caused the civil injury which resulted in damage to  
5 Plaintiff Bosley. The following are the overt actions of Defendant Seattle School District.

6 113. Ms Bosley was on the right path to fulfill her passion and life's dream of actually  
7 leading a school by motivating them to become high achievers until Seattle School District  
8 started to not interview or place Ms. Bosley into the pool of candidates because of her age.  
9

10 114. Reviewing data from the Danforth Program, every year since 1999, the Danforth  
11 Program graduated one American Black person except for the year Ms. Bosley has graduated.  
12 Ms. Bosley was over forty. Seattle School District had a practice or pattern of not promoting  
13 and approving the Danforth Program for candidates over forty.

14 115. Ms. Bosley is on medical leave because the hostility she feels constantly from upper  
15 management has caused severe depression.

16 116. **Mark Della:** Mr. Della incorporates Paragraph 69 by this reference. Defendant  
17 Seattle School District conspired and acted jointly and in concert with multiple upper level  
18 personnel and different departments, and the Local 609, under color of state law or authority;  
19 with a discriminatory intent, and subjected Mr. Della, to a deprivation of his rights, privileges  
20 and immunities, to wit, due process, equal protection of the law or equal privileges and  
21 immunities and that overt acts were done pursuant to the joint actions of multiple  
22 departments and the upper level manage team.  
23  
24  
25

1 117. Mr. Della applied for the Manager of School Security position and the director of  
2 facilities came to him with his application in hand and said he was not going to accept any  
3 application front Mr. Della. From that point, Mr. Della started to feel the hostile environment  
4 largely created by Local 609 and the Seattle School District did nothing to stop the  
5 harassment. To wit, the union leader at Local 609 routinely sent out emails to all the  
6 members referring to Mr. Della as the "brown one" or other derogatory language. Mr. Della  
7 carries the pain of his harassment in his heart and his eyes show deep sorrow.

8  
9 118. Events took an unexpected turn in June 2008, for years Mr. Della functioned as the  
10 assistant manager handling all of the details delineated above. In his position, he expected to  
11 be apprised of policy changes since he was second in command but he was totally excluded  
12 and marginalized by the new manager and a nurse who appended herself to the department.

13 119. The Local 609 Union Leader sent this email to the entire Local 609 membership.  
14 "Last week we were notified that the powers that be in the District had changed course on us  
15 and decided that one of the new "supervisor" positions under the reorg would be given to a  
16 current employee "M\*\*\* D\*\*\*\*\*" who has important connections in upper administration,  
17 rather than, through "competency" and qualifications". In that this changes a lot of what we  
18 have been discussing over the last 7 months, on Saturday, our union". General Membership  
19 meeting voted to go on record as "making no recommendation" to you as to the changes (to  
20 our contract)' necessary to implement the new structure. June 16, 2008.

21  
22 120. As you know, we have been meeting and negotiating changes in the organizational  
23 structure (job descriptions, promotional processes, etc. of the Safety and Security Dept. for  
24 over 6 months now.

1 121. We have had several "non-negotiables" including that all of our members would have  
2 an equal chance (along with other department employees) to compete for the newly created  
3 positions ("At Risk, Tactical, Supervisory", etc.). I don't mind telling you that it has been a  
4 challenge to persuade our members of the necessity of vacating current positions and  
5 replacing them with different jobs calling for higher skills, pay and responsibilities. One way  
6 we did this (and by listening to the Superintendents goals, strategic plan, realignment  
7 directions, etc.) was to assure members that "All positions would be vacated and every  
8 employee has an equal shot at demonstrating the skills and capabilities to obtain a new  
9 position with more responsibilities, pay, etc. " have done that repeatedly.

11 122. Change can be hard and representing the individual wills of a diverse group of long  
12 term (and extremely skeptical) employees can be a real challenge. We have endeavored to do  
13 that often over the last 6 months in settings too numerous to list here. Suffice it to say our  
14 members have urged great caution to us to avoid the pitfalls which have plagued the District  
15 so often in the past.

16 123. I don't mind telling you that having lobbied the Legislature for over 20 years  
17 specifically on Safety and security issues, (for our Local as well as the one which represents  
18 Tacoma 3D security) as well as representing the employees of the department here, I have  
19 grown to be an enthusiastic supporter of a number of the changes involved in this re-org over  
20 recent months as reflecting new and different directions the Department needs to adopt in  
21 order to deal with an ever changing society in education. However, all of that changed this  
22 week.  
23  
24  
25

1 124. Another of the "non-negotiables" which we have stressed from day 1 has been that  
2 "Mr. M\*\*\*\* D\*\*\*\*\* has no responsibilities and/or authority over any member of Local 609 at  
3 any time, shape or form". We have been clear and unequivocal about this underpinning.

4 It has been thus for many years (over 12)1 at least. In the 1990's" Mr. D\*\*\*\*\* was briefly  
5 "interim" Manager of the department and for a variety of reasons, our members came to have  
6 absolutely no respect or confidence in him since that time. Let me add that "contempt" would  
7 not even begin to describe our members' feelings for him.

8  
9 125. I can tell you how laughable his efforts have been during the ensuing years. Virtually  
10 everything he has touched has been messed up. Once an experienced Manager was hired, he  
11 asked me to "leave D\*\*\*\*\* alone" and I have done that, not speaking more than a handful of  
12 words to him since 1998. However, frequently when I have been exposed to screwball stuff  
13 from the department I have attributed the source of the problem to Mr. Della and I have  
14 seldom been wrong.

15 126. A common joke has been that no one knows what Mr. D\*\*\*\*\* does for a living but  
16 (with d deep eye-roll) he has been protected and employed by the District long after anyone  
17 else with his lack of knowledge or demonstrable skills should have been gone. Our members  
18 know this. For these reasons, we were shocked and bitterly disappointed to hear that Mr.  
19 D\*\*\*\*\* will be "given" a new position in the newly reorganized department without having to  
20 compete and or demonstrate any competencies whatsoever simply because he has "friends in  
21 high places".  
22

23 127. This demonstrates that nothing has changed at the District and all the platitudes about  
24 hiring the best individuals for jobs is just lip service. Our steward that has been a part of our  
25

1 discussions all year said to me in response this week: "Now that the District has shown its  
2 hand this way, not only won't I recommend (the implementing changes to our Agreement) but  
3 I won't even vote for them! "

4 128. Don, I can't allow these typical District shenanigans to put me at odds with the  
5 collective (and unanimous) will of our membership. For these reasons, we will almost  
6 certainly NOT be recommending an affirmative action on the part of our union Local on the  
7 re-org. Let me know if you'd like to discuss this further".

8  
9 129. There are other publications where the union leader repeatedly says slanderous and  
10 defamatory statements about Mr. Della in the name of solidarity for a number of years.

11 130. When Mr. Della read this email given to him by one of Local 609 members, he called  
12 Ammon McWashington and left him a message about the union leaders email. Mr.  
13 McWashington tracked down Mr. Della to Roosevelt High School. Mr. McWashington  
14 assured Mr. Della that he was the supervisor over Pegi McEvoy and that had relayed to Ms.  
15 McEvoy that Mr. Della based upon his experience, strengths, work ethic Mr. McWashington  
16 was going to grandfather Mr. Della into one of the supervisory positions. This has been a  
17 longstanding practice and unwritten policy of the district, it worked well.

18  
19 131. Seattle District with Local 609 willfully acting in concert with each other by  
20 themselves, its agents, servants and subordinates, each and all procuring, aiding and  
21 encouraging the other did purposely and systematically and intentionally discriminate against  
22 Plaintiff Della because it allowed the Union to create a hostile working environment for years  
23 and then entered into a 7 month joint action to remove Mr. Della from his position  
24  
25



1 132. In furtherance of the joint action, the Union leader wrote in the above passage that the  
2 members did not want the current staff members replaced and that included Mr. Della because  
3 he has earned their respect. To wit, "I don't mind telling you that it has been a challenge to  
4 persuade our members of the necessity of vacating current positions and replacing them with  
5 different jobs calling for higher skills, pay and responsibilities".

6 133. Seattle School District maliciously and intentionally allowed the union leader to create  
7 a hostile working environment for 12 years Mr. Della based upon his race to remove him from  
8 the position that added to the safety of the district.

9 134. Mr. Della applied for one of the three positions, he was number three on the candidate  
10 list but when the district went to hire they skipped him at No. 3 and made an offer to No. 4.  
11 The position is still not filled today.

12 135. Mr. Don Kennedy conspired with the Union, went outside the chain of command and  
13 exercised power and authority that had not been given to him. Ten days later, Mr. Kennedy  
14 had a letter hand delivered to Mr. Della undercutting Mr. McWashington's decision to  
15 grandfather Mr. Della into one of the new positions for the kids' sake.

16 136. Mr. Della lost everything with no warning, his evaluations were always good, his  
17 supervisor's supervisor the man ultimately responsible for Safety and Security had made a  
18 verbal commitment to Mr. Della.

19 137. **Demetrice Thomas-Danzy:** Ms. Thomas-Danzy incorporates Paragraph 69 by this  
20 reference. Defendant Seattle School District conspired and acted jointly and in concert with  
21 multiple upper level personnel, the Seattle Educational Association and different departments,  
22 under color of state law or authority; with a discriminatory intent, and subjected Plaintiff  
23

1 Thomas-Danzy, a citizen, to a deprivation of her rights, privileges and immunities, to wit, due  
2 process, equal protection of the law or equal privileges and immunities. Defendant Seattle  
3 School District's overt acts moved the conspiracy from the area of thought and  
4 conversation into action that caused the civil injury which resulted in damage  
5 to Plaintiff Thomas-Danzy. The following are overt acts of the Defendant  
6 Seattle School District. In furtherance of the objective of their joint actions, Defendant  
7 Seattle School District, both acting under color and pretense of the statutes, ordinances,  
8 customs and laws of the State of Washington and in a willfully, malicious, intentional, and  
9 discriminatingly misused their authority and that of its subordinates and the power of her  
10 union in its attempt drive Ms. Thomas-Danzy out of the school district. To wit, Ms. Thomas-  
11 Danzy's union representative wrote Ms. Danzy an email that if she dropped her EEOC  
12 Complaint the school district would return her to her former position, work site and remove  
13 any negative letters of reprimands from her personnel file.

15 138. In a threatening and intimidating way, when Ms. Thomas-Danzy told this current  
16 management team, that she was being directed to teach special education students without a  
17 teaching certificate or a special education endorsement, the upper management became  
18 increasingly hostile in spite of her excellent work history. To wit, Dr. Donald Felder wrote on  
19 an evaluation that "Ms Demitrus (sp) Danzy-Thomas was the real source of stability at  
20 Southwest Youth Service Bureau. With a new teacher assigned to this site again, it was really  
21 important for Ms. Danzy to function outside her role. She was available to give guidance.  
22 Ms. Danzy provided the counsel when the program ventured into the chaotic stage. She did  
23 what was required to keep the program on track to exceed its yearly goals. Ms. Danzy is one  
24

1 [of] our best employees and this year she proved that her performance could remain at an  
2 outstanding level even in the face of diversity. Without her social skills classes, the frequency  
3 of student disruption would have been abnormal. Consequently, it is a real credit to her that  
4 she stood tall in the face of adversity to maintain the foundation of successes that are  
5 traditional in this educational unit.

6 139. It intentionally suppressed the provisions in the whistle blower statute especially the  
7 provisions regarding retaliation under R.C.W. 42.41 et. seq. The statute requires local /state  
8 employees, to submit a written report to the supervisor or designee, stating in detail the basis'  
9 for the employee's belief that an improper governmental action has occurred.  
10

11 140. Seattle District willfully acting in concert with each other by themselves, its agents,  
12 servants and subordinates, each and all procuring, aiding and encouraging the other did  
13 purposely and systematically and intentionally retaliated by creating a hostile environment  
14 where Ms. Thomas-Danzy would be sent home without paperwork for long periods of time.  
15 On one occasion the district did not pay Ms. Thomas-Danzy for 257 hours. Misa Garmoe a  
16 human resources manager said in an email I don't believe we ever formally put her out on  
17 unpaid leave we just charged her leave without pay.  
18

19 141. In furtherance of the joint action and common motives to break the will of Ms.  
20 Thomas-Danzy, like they did with Audrey Weaver, Faye Chess-Prentice and Sue Means  
21 overruled Ms. Garmoe in not given Ms. Thomas-Danzy her 257 hours of pay. This is beyond  
22 hostile working environment and more in line with an organized conspiracy to do more  
23 wrongdoings.  
24

1 142. Because of the escalating severity at the type situations the district threw at Ms.  
2 Thomas-Danzy, she systematically and with great courage wrote emails to every and anyone  
3 and asked them to stop the harassment. No one single upper or lower level employees  
4 responded to her cries for help. The emails went to her Union officials, her supervision, and  
5 human resources and the race and equity department, no one said they would help her.

6 143. In fact they took money from governmental agencies for services they were not  
7 delivering for special education students of color. It forced educators with two year degrees  
8 and no teaching certificate to teach specialized instruction. These maladjusted students are  
9 multiplying exponentially and some of it could be for the lack of any meaning educational  
10 services, assistive technology, and all the other add-ons that promote growth are allocated  
11 unfairly to the North end students.

12 144. The district failed to acknowledge Ms. Thomas-Danzy was a whistleblower. Ms.  
13 Thomas-Danzy even sent Superintendent Goodloe-Johnson, PhD, a certified letter outlining  
14 the violations and the ensuing retaliation and harassment by others.

15 145. The district's common purpose and scheme worked to the detriment of special  
16 education students and it saved, in the short run, the district from hiring a certificated teacher.

17 146. Defendant Seattle School District willfully, intentionally, and without regard to  
18 appropriate services for special education students in Public Schools., it violated the  
19 Individuals With Disabilities Education Act (IDEA) and the No Child Left Behind Act. These  
20 Acts are similar in they provide greater protections for the disabled and chronic  
21 underachievers. To wit, one statute that clearly dedicates, requires that in order for the District  
22 to receive federal funds, all teachers, teaching core subjects, must have a college degree and  
23  
24  
25

1 must be certified. Under IDEA, monies received are only supposed to be used to pay the  
2 excess costs of providing special education and related services to children with disabilities.

3 147. It willfully violated public policy. Seattle School District retaliated against Ms.  
4 Thomas-Danzy and it has been ongoing. On March 15, 2007, Ms. Danzy filed her complaint  
5 that special education students were receiving the services of a non-certificated teacher. On  
6 April 17, 2007, Ms. Thomas-Danzy was given a letter of reprimand and disciplinary action  
7 was taken against her.

8  
9 148. In furtherance of the common scheme to force Ms. Danzy out of the District, multiple  
10 upper level HR personnel and different Departments Managers Sue Means, Misa Garmoe,  
11 Cindy Ortega, and Faye Chess-Prentice demoted her a step down without just cause and had  
12 her working out of her classification again. Ms. Danzy suffered acts such as being sent home  
13 without pay, harassment, being transferred from site to site, job responsibilities taken away,,  
14 blackballed, deformation of character, transferring her half day between two different sites  
15 caused her to walk 14 blocks or pay \$16 per day for parking without receiving any  
16 reimbursement, refused to provide her a restroom key at Fairview, which prevented her from  
17 using the facilities if no one was there with a key.

18  
19 149. Ms. Thomas-Danzy was transferred to Ballard per formal HR Manager Laurie Taylor,  
20 against her wishes and put in a EBD classroom to be used as a Special Education 1 on 1  
21 Assistant. While at Ballard she encountered an American Black male, special education  
22 student who had not been evaluated for six years so the teacher dummied up some documents.  
23 Student had nontraditional behaviors for a school setting. Ms. Thomas-Danzy believes that if  
24 she informed the Principal, Phil Brockman, he would have done something about it but based  
25

1 on Ms. Thomas-Danzy past experience with the district she was very reluctant and feared  
2 more retaliation, so she stayed silent until now.

3 150. Ms. Thomas-Danzy has a four inch three ring binder of harassing letters, letters with  
4 obvious misstatements, emails that stated she should not have had the 257 hours taken away  
5 from her, and other documents that give a real clear of her troubles. Included in the notebook  
6 is a letter from her physician which provides in part, "I believe the district is treating her  
7 unfairly and to the detriment of her physical and mental health".  
8

9 151. **Audrey Weaver:** Ms. Weaver incorporates Paragraph 69 by this reference. Seattle  
10 District willfully acting in concert with each other by themselves, its agents, servants and  
11 subordinates, each and all procuring, aiding and encouraging the other did purposely and  
12 systematically and intentionally discriminate against Plaintiff Weaver based upon color, and  
13 gender.  
14

15 152. Seattle School District maliciously and intentionally created a hostile working  
16 environment for Ms. Weaver. Ms. Weaver finally succumbed to the fear and intimidation of  
17 the hostile environment and left her position informing the district she had been constructively  
18 terminated. Ms. Weaver is not the same person.  
19

20 **B. THIRD CAUSE OF ACTION**  
21 **DEFENDANT SEATTLE SCHOOL DISTRICT**  
22 **ADEA VIOLATIONS 29 U.S.C. § 623(a)(1); RCW 49.60**

23 153. Plaintiff Raines, Plaintiff Bosley, Plaintiff Della alleges that Seattle School District  
24 has discriminated against based upon age. Under the ADEA, employers may not "fail or  
25 refuse to hire or ... discharge any individual [who is at least forty years old] or otherwise  
26

1 discriminate against any individual with respect to his compensation, terms, conditions, or  
2 privileges of employment, because of such individual's age." 29 U.S.C. §  
3 623(a)(1). Disparate treatment is demonstrated when "[t]he employer simply treats some  
4 people less favorably than others because of other protected characteristics.

5 154. **Beverly Raines:** Plaintiff Raines has direct evidence namely the statements that  
6 Director Johnson made to her about retiring and Director Johnson placing her on a  
7 performance plan when she and her staff made Annual Yearly Progress, not an easy  
8 accomplishment at Brighton.

9 155. **Sandra Bosley:** Ms. Bosley can provide direct evidence in the hiring and promotion  
10 pattern of Seattle School District until she graduated for the program. Each cohort had at least  
11 one American Black person whom the district promoted to be an administrator until their  
12 choice was Ms. Bosley.

13 156. Ms. Bosley's evaluator at McClure argued that Ms. Bosley was capable of filling the  
14 assistant principal position but instead they promoted another Danforth graduate who is  
15 significantly under 30.

16 157. **Mark Della:** Mr. Della was not grandfathered into one of the new restructured  
17 positions even though he interviewed for one of the positions. He was the third candidate but  
18 the district overlooked him and offered it to the fourth candidate but he refused. So far, no  
19 one has stepped forward to take on that daunting position.  
20  
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**D. FOURTH CAUSE OF ACTION  
DEFENDANT SEATTLE SCHOOL DISTRICT  
FAILURE TO ENGAGE THE INTERACTIVE PROCESS  
EEOC REGULATIONS 42 U.S.C. S 12116; RCW 49.60**

159. Plaintiff Stallworth, Plaintiff Thomas-Danzy; and Plaintiff Johnson, Plaintiff Weaver, Plaintiff Perkins separately and collectively, the Defendant Seattle School District failed to engage in the interactive process in good faith. Instead it took a dictatorial, top down, do not mess with us attitude. The American Disabilities Act authorized the EEOC to issue regulations implementing the ADA. The interactive process is at the heart of the ADA's process and essential to accomplishing its goals.

160. The Ninth Circuit explicitly ruled that the interactive process is a mandatory rather than a permissive obligation on the part of employers under the ADA and that this obligation is triggered by an employee or an employee's representative giving notice of the employee's disability and the desire for accommodation.

161. The above-mentioned will provide direct evidence that Seattle School District failed to engage in the interactive process, sent them home without explanation.

**E. FIFTH CAUSE OF ACTION  
DEFENDANT SEATTLE SCHOOL DISTRICT  
U.S.C. SECTION 1981**

162. All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.



1 163. For purposes of this section, the term “make and enforce contracts” includes the  
2 making, performance, modification, and termination of contracts, and the enjoyment of all  
3 benefits, privileges, terms, and conditions of the contractual relationship. The rights protected  
4 by this section are protected against impairment by nongovernmental discrimination and  
5 impairment under color of State law. Defendant Seattle School District did the following  
6 discriminatory overt acts based upon race as following:

7  
8 165: Never had Seattle School District failed to honored a tenured teacher’s contract signed  
9 by the Superintendent like it did with Plaintiff Chalice Stallworth, an American Black female.

10 166. Never has Seattle School District failed to schedule during process hearing for  
11 certificated staff members when asked, like it did with Assistant Principal Ronald Howard  
12 and Chalice Stallworth, an American Black male and female.

13 167. Never has the General Counsel Office ignored completely a civil procedure that  
14 requires only judges to determine whether the statute of limitations defense is valid, like it did  
15 with Assistant Principal Ronald Howard and Chalice Stallworth, a American Black male and  
16 an American Black female.

17  
18 168. Never in its recent history has it denied American Blacks and Filipinos basic due  
19 process protections and equal protection under the law.

20  
21 **F. SIXTH CAUSE OF ACTION**  
22 **DEFENDANT SEATTLE SCHOOL DISTRICT**  
**FIRST AMENDMENT VIOLATIONS, SECTION 1983**

23 160. Every person who, under color of any statute, ordinance,  
24 regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or  
25

1 causes to be subjected, any citizen of the United States or other person within the jurisdiction  
2 thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution  
3 and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper  
4 proceeding for redress, except that in any action brought against a judicial officer for an act or  
5 omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless  
6 a declaratory decree was violated or declaratory relief was unavailable. For the purposes of  
7 this section, any Act of Congress applicable exclusively to the District of Columbia shall be  
8 considered to be a statute of the District of Columbia.  
9

10 161. In furtherance of its common scheme and common purpose, it violated the First  
11 Amendments Rights Plaintiff Pleasant when he asked the Superintendent where was all the  
12 money going and with Demetrice Thomas-Danzy when she attempted to report a serious  
13 violation of law and best practices.  
14

15 **G. SEVENTH CAUSE OF ACTION**  
16 **DEFENDANT SEATTLE SCHOOL DISTRICT**  
**STIGMA PLUS FOURTEENTH AMENDMENT VIOLATION**

17 91. In furtherance of the objective of the aforesaid conspiracy, Defendant Seattle School  
18 District, acting under color, customs and laws of the State of Washington, willfully,  
19 maliciously, intentionally discriminated by allowing with any action the union representative  
20 to defame Plaintiff with untruths that he was incompetent and basically stupid. Seattle School  
21 District made a deal with the union to publicly to fire Plaintiff as a "non-negotiable" item to  
22 passing their contract probably created in smoke filled back room. Defendant Seattle District  
23 (1) placed a stigma on Mr. Della and his reputations; (2) Defendant Seattle School District  
24 made those statements public by and through Local 609 the very public action of firing him  
25

1 after the inflammatory email, acting under color of state law; (3) Defendant Seattle School  
2 District allowed public statement in conjunction with Mr. Della's termination from his  
3 position, and (4) Defendant Seattle School District knew or should have known that the  
4 statements were false.

5 92. Mr. Della had a direct injury to his their reputations plus some other significant  
6 negative consequence is a loss of liberty that triggers due process. Mr. Della has suffered a  
7 deprivation of liberty by firing and artificial manipulating the hiring system.

8 93. In intentionally and willfully, and maliciously stigmatizing Mr. Della when it  
9 intentionally placed him in a false light so he would not be a competitor against the private  
10 and east side schools as a coach.

11 94. In intentionally and willfully maliciously disregarding Mr. Della vulnerability as a  
12 human being. Mr. Della is emotionally fragile and filled with anger.

13 95. Mr. Della has been unable to find community related position which he is accustomed  
14 to. He is working at a casino for minimal wages in an environment he does not like and is  
15 detrimental to his health.  
16  
17  
18

19 WHEREFORE, Plaintiffs request that the judgment of this Court be entered against  
20 the Defendants for the following:

21 a. Plaintiffs suffered from the Defendants' overt acts which caused severe  
22 emotional distress.

23 b. That the Defendants could have reasonably avoided injuring the Plaintiffs had  
24 it believed that all people are equal under the law. .  
25

1 c. Award Plaintiffs compensatory damages and punitive damages, if allowed, in  
2 the amount to be determined at trial on this matter;

3 d. Award Plaintiff her attorneys' fees, including litigation expenses and the cost  
4 of this action including the investigation;

5 Grant such other and further relief as may be just and proper.  
6

7  
8 **XIV. DEMAND FOR JURY TRIAL**

9 Plaintiffs hereby demand a trial by jury on all issues so triable.

10 Dated this day of 20<sup>th</sup>, February, 2009.

11  
12 /s/ Brenda J. Little  
13 Brenda Joyce. Little, WSBA No. 17688  
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